

May 18, 2000

**APPLICATION OF NASHVILLE GAS COMPANY,  
A DIVISION OF PIEDMONT NATURAL GAS  
COMPANY, INC. FOR AN ADJUSTMENT IN ITS  
RATES AND CHARGES, THE APPROVAL OF  
REVISED TARIFFS AND THE APPROVAL  
OF REVISED SERVICE REGULATIONS**

**DOCKET NO. 99-00994**

This matter is before the Tennessee Regulatory Authority (“Authority”) upon the Application of Nashville Gas Company, a Division of Piedmont Natural Gas Company, Inc., for Adjustment of its Rates and Charges. At a regularly scheduled Authority Conference held on February 1, 2000, the Authority appointed General Counsel or his designee to act as Pre-Hearing Officer in this matter, to hear preliminary matters and set a procedural schedule to completion. On April 10, 2000, the Pre-Hearing Officer issued an Initial Order granting intervention to the Consumer Advocate Division of the Office of the Attorney General (“Consumer Advocate”) and setting a procedural schedule. The Initial Order was approved by the Directors at a regularly scheduled Authority Conference held on April 11, 2000.

On April 27, 2000, Associated Valley Industries, Inc. ("AVI") filed a Petition to Intervene. On May 4, 2000, the parties were notified by the Pre-Hearing Officer that any response or opposition to AVI's Petition to Intervene should be filed with the Authority no later than 2:00 p.m. on Tuesday, May 9, 2000. Ford Motor Company ("Ford Motor") and Visteon Corporation ("Visteon") filed a Joint Petition to Intervene in this docket on May 9, 2000. The Pre-Hearing Officer gave notice on May 10, 2000 to all parties to file any response or opposition to the Joint Petition no later than May 15, 2000. To date, no response or opposition as to either AVI's Petition or the Joint Petition has been filed with the Authority.

#### **Criteria for Permitting Interventions**

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;
  - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
  - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and
  - (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

The Pre-Hearing Officer finds that the Petition to Intervene filed by AVI, and the Joint Petition filed by Ford Motor and Visteon were timely filed and served, and substantiated that the legal interests of the intervenors may be determined in this matter. The petitioner and joint petitioners have represented that the interests of justice and the orderly and prompt conduct of

this matter would not be impaired by allowing the interventions. Further, no party has voiced opposition to the granting of these Petitions to Intervene.

Upon applying the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Pre-Hearing Officer grants the Petition to Intervene filed by AVI and the Joint Petition filed by Ford Motor and Visteon, subject to the limitations imposed below, and determines that the participation of AVI, Ford Motor and Visteon shall be governed by the procedural schedule developed in this proceeding.

By agreement of the initial parties to this action, a procedural schedule was established by the Pre-Hearing Officer which provides for the completion of discovery by May 2, 2000, the filing of Intervenor testimony by May 10, 2000<sup>1</sup> and the filing of rebuttal testimony by May 24, 2000. The Hearing is set for June 5 through 9, 2000.

#### **Criteria for Limiting Interventions**

Tenn. Code Ann. § 4-5-310(c) provides:

(c) If a petitioner qualifies for intervention, the administrative judge or hearing officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

- (1) limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;
- (2) limiting the intervenor's use of discovery, cross-examination and other procedures so as to promote the orderly and prompt conduct of the proceedings; and
- (3) requiring two (2) or more intervenors to combine their presentation of evidence and arguments, cross-examination, discovery and other participation in the proceedings.

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<sup>1</sup> On May 16, 2000, an Order was entered granting the Consumer Advocate's Motion for Extension of Time and extending the time for filing the Intervenor's testimony to May 17, 2000.

Due to the time of the filing of the Petition and Joint Petition, the Pre-Hearing Officer concludes that the participation of AVI, Ford Motor and Visteon should be limited pursuant to Tenn. Code Ann. § 4-5-310(c). The interest of Ford Motor and Visteon shall be represented by one attorney and their presentation of evidence, argument and cross-examination shall be combined as provided for in Tenn. Code Ann. §4-5-310(c)(3). AVI, Ford Motor and Visteon will not be permitted to engage in discovery in this proceeding unless additional discovery is initiated by Nashville Gas or the Consumer Advocate. AVI is permitted to present testimony of one (1) witness during the Hearing. Ford Motor and Visteon jointly may present testimony of one (1) witness during the Hearing. If AVI or Ford Motor and Visteon desire to present witness testimony during the Hearing, as a condition thereto, each must file the pre-filed testimony of such witness with the Authority no later than **12:00 noon on Tuesday, May 23, 2000**. Copies of such pre-filed testimony must be served on all parties no later than **12:00 noon on Tuesday, May 23, 2000**. Nashville Gas may file testimony in rebuttal to such testimony no later than **12:00 noon on Tuesday, May 30, 2000**.

**IT IS THEREFORE ORDERED THAT:**

1. Associated Valley Industries, Inc., Ford Motor Company and Visteon Corporation are hereby given leave to intervene and receive copies of any notices, orders or other documents herein. The participation of the Associated Valley Industries, Inc., Ford Motor Company and Visteon Corporation in this proceeding shall be governed by the procedural schedule and is limited as set forth in this Order; and
2. Any party aggrieved by the decision of the Pre-Hearing Officer in this matter may file a Petition for Reconsideration with the Pre-Hearing Officer or a Petition for

Appeal with the Tennessee Regulatory Authority within fifteen (15) days of the date of this Order.

J. Richard Collier  
J. Richard Collier Acting As  
Pre-Hearing Officer

ATTEST:

K. David Waddell  
K. David Waddell, Executive Secretary